

REMARKS

After entry of the present Amendment, claims 1-3, 5-7, and 10-24 remain in the application, with claims 1, 10, 13, 17, and 20 in independent form. Claims 10-24 are new. Claims 4, 8, and 9 have been cancelled through the present Amendment. Independent claim 1 has been amended to incorporate the elements of original dependent claim 4, which has been indicated as allowable. New claim 10 claims the elements of original claim 1 and original dependent claim 5, which was indicated as allowable. New claim 13 claims the elements of original claim 1 and previously presented dependent claim 6, which was indicated as allowable. New claim 17 claims the elements of original claim 1 and previously presented dependent claim 7, which was indicated as allowable. New claim 20 claims the elements of original dependent claim 9 and intervening claim 8, which was indicated as allowable. Each new dependent claim is identical to an original dependent claim and has been added to depend from one of the corresponding new independent claims. As such, the amendments to the claims, as well as the new claims, claim subject matter that was previously claimed and that was indicated as allowable.

After entry of the present Amendment, all the claims recite allowable subject matter and the Applicants submit that the Application is now in condition for allowance, which allowance is now respectfully requested.

With regard to the provisional obviousness-type double patenting (ODP) rejections over co-pending U.S. Patent Application No. 10/573,505 (the '505 application), the Applicants note that the '505 application is still pending. As such, the present situation is one in which there is an ODP rejection relative to two co-pending applications and is addressed by MPEP 1490(D).

MPEP 1490(D) sets forth that when the ODP rejection is the only rejection remaining in the earlier filed of the two pending applications, (but the later-filed application is rejectable on other grounds), the Examiner should then withdraw that rejection and permit the earlier-filed application to issue as a patent without a Terminal Disclaimer. Because the present application was filed earlier than the '505 application, and because the '505 application has not yet issued, the Applicants respectfully request the Examiner to allow the present application to issue as a patent without a Terminal Disclaimer.

After entry of the Amendment, 21 total claims are pending, with 5 independent claims, and the appropriate fee for two extra independent claims and one extra dependent claim is being submitted herewith. This Amendment is timely filed, as such it is believed that no extension of time fees are presently due. The Commissioner is authorized to charge the Deposit Account No. 08-2789, in the name of Howard & Howard Attorneys, P.C., for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

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Date

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